

FILED

NOV 14 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

WALTER RAY REDMOND,

Plaintiff,

v.

SAN FRANCISCO POLICE DEPT, et
al.,

Defendants.

No. C 07-04276 CW (PR)

ORDER DENYING MOTIONS FOR
APPOINTMENT OF COUNSEL

(Docket nos. 9, 15)

Plaintiff requests the appointment of counsel to represent him
in this action.

There is no constitutional right to counsel in a civil case
unless an indigent litigant may lose his physical liberty if he
loses the litigation. See Lassiter v. Dep't of Social Services,
452 U.S. 18, 25 (1981); Rand v. Rowland, 113 F.3d 1520, 1525 (9th
Cir. 1997) (no constitutional right to counsel in § 1983 action),
withdrawn in part on other grounds on reh'g en banc, 154 F.3d 952
(9th Cir. 1998) (en banc). The court may ask counsel to represent
an indigent litigant under 28 U.S.C. § 1915 only in "exceptional
circumstances," the determination of which requires an evaluation
of both (1) the likelihood of success on the merits, and (2) the
ability of the plaintiff to articulate his claims pro se in light

1 of the complexity of the legal issues involved. See id. at 1525;
2 Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wilborn v.
3 Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986). Both of these
4 factors must be viewed together before reaching a decision on a
5 request for counsel under § 1915. See id.

6 The Court finds that exceptional circumstances entitling
7 Plaintiff to court appointed counsel do not exist. The likelihood
8 of Plaintiff's success on the merits cannot be ascertained at this
9 point in the proceedings, and the legal issues are not complex.
10 Accordingly, Plaintiff's requests are DENIED.

11 This Order terminates Docket nos. 9 and 15.

12 IT IS SO ORDERED.

13 Dated: NOV 14 2007

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15 CLAUDIA WILKEN
16 UNITED STATES DISTRICT JUDGE
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

WALTER RAY REDMOND,
Plaintiff,

Case Number: CV07-04276 CW

CERTIFICATE OF SERVICE

v.

SAN FRANCISCO POLICE DEPT et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on November 14, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Walter Ray Redmond #2324794
County Jail #5
P.O. Box 67
San Bruno, CA 94066

Dated: November 14, 2007

Richard W. Wieking, Clerk
By: Clara Pierce, Deputy Clerk